

May 2, 2013

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Comm. Waters; Chief Beloit; Chief Dixon; Supt. Givens; Jerry Walden; Ed Adams; Mindy Bourne - Area Plan Commission; Irene Johnson; Mr. and Mrs. Tenbarge; Lois Gray - Posey County News; and Sara Manifold - Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated a few meetings back, he reported they would be replacing the water main on Wolflin Street - that work will start shortly and the materials arrived today. He continued by stating they have started the hydrant flushing and they will be on 4th Street tomorrow. In reference to the water main quotes that were opened at the last meeting, Blankenberger was the low quote and they will start work on Monday.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if there were any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated on the Legal portion of the Agenda is action on the water main quotes.

Attorney Higgins stated Blankenberger was the low quote and they just need to confirm that.

Board member Curtis moved the Board accept the low quote of Blankenberger and that Supt. Gray proceed with the water main work on Monday. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton - yes; Fuelling - yes; Hoehn - yes;

Curtis - yes; Higgins - yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker, Mayor

ATTEST:

Cristi L. Sitzman, Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Comm. Waters; Chief Beloit; Chief Dixon; Supt. Givens; Jerry Walden; Ed Adams; Mindy Bourne - Area Plan Commission; Irene Johnson; Mr. and Mrs. Tenbarger; Lois Gray - Posey County News; and Sara Manifold - Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting, as well as those of the Executive Session, and by asking if there were any corrections or additions. He added if not he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Fuelling moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Hoehn stated they city has a new St. Comm. He is experience in and familiar with city government.

Comm. Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Higgins stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Shelton stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Fuelling stated he has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked about the Financial Report.

Clerk-Treasurer Sitzman replied it will be ready at the next meeting.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not this time.

Mayor Tucker stated they are ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is possible report of Financing Options on the Police and Fire Station. She added she and Councilman Curtis contact Umbaugh on financing options for the city's portion, which they hope to dovetail a plan with the bidding of the project. She stated they are also working with the Trustee on the final transition of the property. There was a conference call today with Umbaugh and they should have the preliminary report to them prior to the next meeting. There will then be a timeline on bidding, then the financing.

Councilman Curtis stated he talked with the Trustee today and they will be getting together next week on the transfer.

Councilman Hoehn asked about the numbers, how much are they talking about having to finance ?

Attorney Higgins replied the engineer's estimate was \$921,000, minus \$120,000, minus any contributions and \$100,000 from EDIT funds. She then stated they will be looking at 10 year and 15 year options, for illustration purposes. She added it will also probably be a lease, via a holding company and the city would be paying lease payments. She concluded by stating their report will show how to pay debt service on that.

Attorney Higgins stated the next item is a new subdivision ordinance, coming from the Area Plan Commission, and the Director, Mindy Bourne is present this evening.

Mrs. Bourne stated late 2008 early 2009 there was a new comprehensive plan made for the county and the city. In 2010, she went to the different jurisdictions in the county asking for money to start the new process. 2011 the Zoning Ordinance was tackled first and it was finally completed in late October. They now need to get started on the subdivision ordinance. The current subdivision ordinance was adopted in 1986. They have before them the new consolidated subdivision ordinance, which is mostly just clean up work and keeping things consistent. She stated the Area Plan accepted the ordinance in April. She then asked if there were any questions ?

Councilwoman Higgins asked what specific issues are being cleaned up ?

Mrs. Bourne replied just confusion on minor and major plats, and exempt divisions of property. She added Mt. Vernon does not have any exempt divisions, which is mainly in the county. Any sub-divided property falls into this ordinance. It also addresses approval of performance bonds, IDEM Rule 5, and reduced roadway costs. She added the Plan Commission ultimately has final say in all subdivision requests, per State Statute.

Attorney Higgins added they city also has street quality standards.

Mrs. Bourne agreed and added that is also addressed.

Attorney Higgins stated any new streets need to meet the city standard. They have also had storm water issues in the past.

Mrs. Bourne agreed and added they also have storm water issues in the county as well. They need to be looking at drainage calculations and they are currently working with the Soil and Water Conservation District on Rule 5. She stated the SWCD has recently hired a part time technician who can possibly help with this, she is new, but can help out.

Councilman Curtis asked after passage, when this new ordinance will be effective ?

Mrs. Bourne replied July 1, 2013 as she has to go to the other jurisdictions after this.

Councilman Curtis stated, for verification, the Area Plan has jurisdiction over all subdivisions.

Attorney Higgins replied yes, they manage the ordinance. She then stated the City codifies all of its ordinances, and if there is a penalty involved, they have to be published. Since this ordinance applies to all jurisdictions in the county, after adoption it will either have to be published for all, or codified. She would like to see a one time publication for all if this is to be in effect mid year.

Councilman Curtis added publication will be expensive.

Attorney Higgins concluded by stating the ordinance will take effect 30 days after publication.

Councilman Hoehn moved the Ordinance Replacing Chapter 152 of the Code of Laws of the City of Mount Vernon, Indiana, The Subdivision Control Code, pass on first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton - yes; Fuelling - yes; Hoehn - yes;

Curtis - yes; Higgins - yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the first reading of an Ordinance to Amend the Zoning Ordinance relative to creating a new use unit for mobile office trailers.

Mrs. Bourne this ordinance creates Use Unit 29, a use by right in some zoning district. It describes a mobile officer trailer as a vehicle designed to serve whenever parked as a temporary office for a construction project and not for dwelling, living or sleeping quarters.

Councilman Curtis move the Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title 15-Land

Usage, chapter 153-Zoning code, The Zoning Ordinance of the City of Mount Vernon, The Town of Cynthiana, The Town of Poseyville, and the Unincorporated Posey County Sections 153.174, 153.270, 153.023 (A&B), 153.082(A&B), 153.084(A&B), 153.086(A&B), 153.088(A&B), 153.090(A&B), 153.102(A&B), 153.105(A&B), 153.042(B), 153.044(B), 153.0146(B), 153.048(B), 153.051(B), 153.063(B), 153.072(B) and Appendix A, be approved on first reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton - yes; Fuelling - yes; Hoehn - yes;

Curtis - yes; Higgins - yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated as a follow up, Mayor Tucker did send a letter to SRF concerning the comprehensive plan and they are awaiting a response.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Irene Johnson approached and stated she lives at 609 W 2nd Street and has for 25 years. Her husband has had a hip replacement and now needs to have it done again. The area they live in is the old Upshaw gas station/house. Bob Beste sold to Gerton of Gerton Auto Sales and Mr. Gerton is going to put a fence up there and not let her park where she has parked for 25 years. She stated they have to put a wheel chair lift in, and they currently have a wheelchair ramp. She added she can not park on W. 2nd Street, she can not park on Pearl because of ADM truck traffic and Arctic Cat. This is putting her at a disadvantage. She talked with Asst. St. Comm. Miller and told him she would like to cut their tree down, put rock in, and a fence around the water meter so she would have a place to park and get her husband and his wheelchair in the house. She added she has no other options for parking, and would like to make part of her yard a place to park - it is not near the road or a sidewalk.

Councilman Curtis stated he knows where she lives and is having a vision of what she is talking about. He can see her dilemma.

Attorney Higgins stated, as with most everything they have discussed so far tonight, this sounds like a zoning issue and the setback requirements.

Ms. Johnson stated she is going to mow the grass, take down the tree, put rock in and park in the grassy area. She added she will not be interfering with anything.

Councilman Curtis stated she will totally be parked on the side of her home, between the sidewalk and curb.

Ms. Johnson replied yes and added she would be the only one parked there.

Councilman Fuelling asked how she would get over the curb ?

Ms. Johnson replied Mr. Miller indicated they could take the curb down or make a smaller one.

Attorney Higgins stated there are also guidelines for curb and street cuts, which would come before the Board of Works. She suggested Ms. Johnson get with the Area Plan Commission for a plot plan on the boundary lines, they govern that.

Ms. Johnson asked how long it would be before she found something out ?

Attorney Higgins replied it depends on what is needed. She could ask for an exception. The APC meets once a month.

Mrs. Bourne stated, as reading from the code, no vehicles are to be parked on anything other than a hard dust free surface.

Ms. Johnson stated she would be putting rock down, not concrete.

Attorney Higgins added she really needs to go in and talk with Mrs. Bourne about the lot lines and the zoning. Possibly after that, work with the Street Department on curb/street cut.

Ms. Johnson thanked the Board for their time.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Mrs. Tenbarge approached and stated she would like to make a presentation about something she wishes the Council would consider - bringing chickens back to the city limits. She stated there is a green movement happening and it is happening even here in Mt. Vernon. She added people also call it organics, or being self-sustainable. It is everywhere. NaeRae's, a local organic shop, has a big community that keeps them in business. There you can buy organic veggies, as like a lot of people, she is nervous about the meat she buys.

Ms. Johnson left the meeting.

Mrs. Tenbarge stated she is asking the Council to consider allowing a small number of back yard pens, with chickens, not roosters. She added she gardens and had six hens before she moved to the city, but she had to give them up when she moved to town. She added they are pets to them - they had names and personalities. They do not make noise, AND they give eggs - free. She then stated chickens raised in this way have 1/3 less cholesterol than others, they eat bugs and kitchen scraps. She added she wants Council to know she is not talking about "white trash" situations or a "hoarders" situation - they are a family with three kids and there are more families like theirs out there. They like to be close to nature. Folks that live in Evansville can have chickens, why can't they have them here. They aren't dirty, they are just like any other pet. She stated on a bigger perspective she realizes this is a controversial subject. She is asking for six hens in a cage. She added Council also needs to realize that some people can take anything and make it a problem - why punish everyone. She added is not asking for wild west in Mt. Vernon - no roosters, enclosed areas. She then stated she would like to see a trial run on this to see what happens. She added it's green, it sells, family friendly - it is not a bad thing. She then asked if there were any questions ?

Councilman Hoehn asked if she has had chickens before ?

Mrs. Tenbarge replied yes.

Councilman Hoehn stated she had mentioned a trial - for a certain period of time ? And then reassess ?

Mrs. Tenbarge replied yes. She then stated she can come up with names she assured them. A trial ? Sure. She added she is open to brain storm.

Councilwoman Higgins stated Council just very recently passed a stricter animal control ordinance.

Attorney Higgins then mentioned land use, according to the zoning code.

Mrs. Bourne cited the zoning code by stating Ag District is the only zoning that allowed for chickens. She added a variance can be obtained for exceptions but she would need to request a variance to the Board of Zoning Appeals.

Mrs. Tenbarge asked if it is on a case by case basis ?

Mrs. Bourne replied yes.

Attorney Higgins stated in reference to the animal control ordinance, she would need to take a look at that language. She added she isn't sure how Council defined domestic animals.

Mrs. Tenbarge asked that Council consider her idea on a bigger scale, look at the bigger picture. She then stated she has brought ideas to the Council, it would cost Council nothing to try it. Again, she added, she is bringing them ideas from the perspective of young families. She stated she likes her chickens and gardening though she was not aware of the exception, still she would like to leave Council with what she has said.

Councilman Fuelling asked if they would be housed in mobile containers ?

Mrs. Tenbarge replied they would be contained at all times.

Councilman Fuelling asked if they would ever be out of their coop ?

Mrs. Tenbarge replied she never lets them out. She then stated there are lots of designs of coops to choose from - they are contained so no one abuses it.

Attorney Higgins stated the Area Plan Commission needs to work on this on their end. She added the Council currently has an animal control ordinance that does not allow the chickens. If they decide they want to entertain a trial period there would need to be a modification from the animal control ordinance side.

Councilman Curtis stated it sounds like she would need to go to the Board of Zoning Appeals first, then if they grant an exception, the Council would need to look at a possible modification of their ordinance, as the current ordinance prohibits this.

Attorney Higgins agreed they would need a modification at that point. They can not go against their own ordinance.

Councilwoman Higgins asked if the ordinance would need to be changed for a trial period ?

Attorney Higgins replied there needs to be a record made of it. They can't ignore their own ordinance "for awhile". She added even if they would amend their ordinance, requests would still have to go to the Board of Zoning Appeals on a case by case basis.

Mrs. Tenbarge asked about fees and how long of a process this would be ?

Mrs. Bourne replied in reference to the zoning, there is a \$100 filing fee, certified mailings to adjacent property owners, etc. The variance would be in effect for as long as someone (the property owners) would keep the chickens.

Mrs. Tenbarge replied she could pay the money and do the leg work, but she would not be happy about it. She added she sees a solution but doesn't think this is it. She then asked about a license fee ? That way animal control would have a list of had the chickens, and that way animal control could check on them. She then stated she has the \$100, but it may be hard for others. She added she does realize she is getting picky, but it shouldn't be this hard to get a chicken. She concluded by stating she realizes there have been problems with animals in the city, but Council shouldn't judge everyone the same. She stated if Council comes up with an idea, she is on board. She asked if there were any other questions ?

There were none.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilman Fuelling asked if Council has given their Districts street paving possibilities to the Street Department ?

Mayor Tucker added there are 100 miles of street here and 50 miles of alleys, and most all are in need of attention, on a very limited budget.

Councilman Fuelling stated they need to get their list in early.

Councilman Hoehn asked if there was anything new on the west side annexation?

Attorney Higgins stated by the next meeting, May 16 they should know something. She stated she received a draft last week of the fiscal plan of the targeted areas. She added they are busy getting numbers on the assessed valuation of those areas in question. Again, there will be a presentation on May 16.

Councilman Hoehn stated in reference to the tax base growth project -Charlie Lawrence and Bill Gillenwater - he would like to see this on the front burner. The fertilizer plant is still in talks. He would like to see the city add water and sewer lines to anticipate growth and look for money to help the Lawrences and Schelhorns that are out there. He added developers in the area are gun shy in this economy, but there could potentially be a huge payback. He stated if the city would invest \$120,000 today, it could result in 25 - 30 homes in the \$300,000 price range, with 1% coming back to the city in taxes. The city could get their money back in three to five years and this might just be an incentive to get them to move off center.

Councilman Curtis agreed and added there needs to be a resolution to this. He added however, he is not as certain as Councilman Hoehn is about things. He stated he wants to think outside the box, but he does not know of any community where this goes on. Mount Vernon has a bad infrastructure, and here they are looking to spend \$500,000 to \$600,000 on a street for A developer.

Councilman Hoehn replied spending \$110,000 on the infrastructure would not make that much of a difference, but put that money in a bank and be like a grant giver to these builders for an incentive.

Councilman Curtis stated he thought that one developer, Charlie Lawrence, asked the Council specific questions and he feels they owe him specific answers.

Councilman Hoehn stated he feels this would be a reasonable way to add this and other things - run water and sewer lines into the county for future development.

Councilman Curtis replied the city doesn't have it. He added but they have done a lot of things.

Councilman Hoehn agreed and added but they need to be thinking outside the city limits. He stated Mt. Vernon is in competition with and west and east sides of Evansville, as well as Marrs Township. If they stop long enough to look at the big picture, they will be out of the picture.

Councilman Curtis stated Mr. Lawrence was requesting water and sewer lines, and streets.

Councilman Hoehn replied he thought he was requesting "help" with those things.

Councilman Fuelling and Councilman Curtis both stated that Mr. Lawrence asked the city to do it, which is why all department heads got figures together for the Council.

Supt. Givens agreed.

Councilman Curtis again stated Council owes Mr. Lawrence an answer and they should put that on for the next meeting. He stated maybe he misunderstood Mr. Lawrence.

Councilman Fuelling stated the Posey County Economic Development Partnership and Mr. Taylor have really been keeping them updated - telling the Council of shovel ready sites and where they are to be developed - and the fertilizer plant - that's IF it happens. A big IF as they are bouncing back and forth.

Councilman Curtis stated he also realizes they need to be proactive.

Councilman Hoehn stated they need a plan to meet future growth to draw people in. The city's tax base is eroding, they need to do something now or in ten years everyone sitting around this table is really going to have problems.

Councilman Fuelling stated Mr. Lawrence's project would cost about \$800,000, for all three roads.

Councilman Hoehn stated he only requested one street, so that would be about a third of the cost.

Mayor Tucker added that figure also did reflect any lift stations, grade, etc.

Supt. Givens agreed and added there is no gravity flow there, it is all forced.

Attorney Higgins added the Partnership is putting a plan together.

Councilman Fuelling replied that is their avenue. Mr. Taylor needs to come and talk to Council.

Councilman Curtis agreed and added communication is the key.

Attorney Higgins stated they are updating the city comprehensive plan, which is the Council's look to the future. Council is doing exactly what they are talking about tonight.

Mayor Tucker stated the last comprehensive plan was 2008, and they have already done a lot that was in that plan.

Councilman Curtis added and there is plenty more to do.

Attorney Higgins stated these are all good ideas, they just need to keep going. This is actually good timing.

Councilman Curtis again stated Mr. Lawrence's request needs feedback.

Councilman Fuelling stated he spoke with Mr. Lawrence and he said he would be present tonight, but yes, he would like for him to be present so they can address his request.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated other than his road paving list, he has no report.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has his paving list.

Councilwoman-at-Large Higgins stated the Street Department has her list and added the first police and fire station fundraiser is in 15 days. She added she hopes there is a good turn out, should be fun.

Mayor Tucker stated on Monday, Jasper is sending a group down to look at the riverfront, the Landing, etc. He added he is excited and elated about that. He then stated if there was no further business, he entertains a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker, Mayor

ATTEST:

Cristi L. Sitzman, Clerk-Treasurer